

*annual payments with an ultimate option to purchase, and for other purposes necessary in the conduct of the public schools to be determined by the board of trustees, the accounts and vouchers for county districts to be approved by the county superintendent; provided, that when the state available school fund in any city or district is sufficient to maintain the schools thereof in any year for at least eight months, and leave a surplus, such surplus may be expended for the purposes mentioned herein.*

SECTION 5. Subsection (d), Section 4.041, Public Facility Corporation Act (Article 717s, Vernon's Texas Civil Statutes), is repealed.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 22, 1993: Yeas 30, Nays 0; passed the House on May 22, 1993, by a non-record vote.

Approved June 17, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.

## CHAPTER 753

### S.B. No. 877

#### AN ACT

relating to the duties of the attorney general in representation of the legislature and state agencies and to certain immunities from liability.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Chapter 301, Government Code, is amended by adding Subchapter E to read as follows:

#### SUBCHAPTER E. LEGAL REPRESENTATION OF LEGISLATURE

*Sec. 301.061. LEGAL REPRESENTATION OF LEGISLATURE. (a) Subject to the requirements of Subsection (b) and to the exception provided in Subsection (c), the legislature, after notifying and consulting the attorney general, may employ counsel, or authorize the counsel of a legislative agency, to file suits on behalf of the legislature, to intervene in pending litigation on behalf of the legislature, or to otherwise represent the legislature in the courts of this state or in the courts of the United States.*

*(b) Representation of the legislature under this section is authorized only if:*

- (1) the speaker and the president of the senate approve the representation in writing; or*
- (2) both houses by concurrent resolution approve the representation.*

*(c) Subsection (a) does not apply to the representation of the interests of the legislature before the Supreme Court of Texas in violation of Article IV, Section 22, of the Texas Constitution.*

*(d) A member of the legislature is immune from civil liability resulting from the legislature's participation in litigation under this section, including liability for attorney fees, costs, and sanctions that may be awarded in the litigation. This subsection is cumulative of the common law immunity applicable to the conduct of members of the legislature.*

SECTION 2. Section 402.0211, Government Code, is repealed.

SECTION 3. Section 402.0212, Government Code, is amended by adding Subsection (c) to read as follows:

*(c) This section shall not apply to the Texas Turnpike Authority.*

SECTION 4. Section 21d, Chapter 410, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6674v, Vernon's Texas Civil Statutes), is repealed.

SECTION 5. (a) Except as provided by Subsection (b) of this section, this Act takes effect immediately.

(b) Section 2 of this Act takes effect September 1, 1993.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 19, 1993: Yeas 29, Nays 0; the Senate concurred in House amendments on May 21, 1993: Yeas 30, Nays 1; passed the House, with amendments, on May 18, 1993: Yeas 130, Nays 15, one present not voting.

Approved June 17, 1993.

Effective June 17, 1993, except § 2, effective Sept. 1, 1993.

## CHAPTER 754

### H.B. No. 575

#### AN ACT

relating to repossession under a worker's lien; providing a criminal penalty.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 70.001, Property Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) *A worker may take possession of an article under Subsection (b) only if the person obligated under the repair contract has signed a notice stating that the article may be subject to repossession under this section. A notice under this subsection must be:*

(1) *separate from the written repair contract; or*

(2) *printed on the written repair contract, credit agreement, or other document in type that is boldfaced, capitalized, underlined, or otherwise set out from surrounding written material so as to be conspicuous with a separate signature line.*

(d) *A worker who takes possession of an article under Subsection (b) may require a person obligated under the repair contract to pay the costs of repossession as a condition of reclaiming the article only to the extent of the reasonable fair market value of the services required to take possession of the article. For the purpose of this subsection, charges represent the fair market value of the services required to take possession of an article if the charges represent the actual cost incurred by the worker in taking possession of the article.*

SECTION 2. Section 70.001, Property Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) *A worker may not sell for cash or other consideration to a person who performs repossession services a check that is received as payment for repair of an article and that is returned to the worker because of insufficient funds.*

(f) *A person commits an offense if the person sells a check in violation of Subsection (e). An offense under this subsection is a Class B misdemeanor.*

SECTION 3. (a) This Act takes effect September 1, 1993.

(b) This Act applies only to a repair contract entered into on or after September 1, 1993. A repair contract entered into before September 1, 1993, is governed by the law as it existed at the time the contract was entered into, and that law is continued in effect for that purpose.

(c) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this subsection, an offense is committed before the